

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRYAN CONKLING,

Plaintiff,

v.

CIV 14-0234 WJ/KBM

TRI-STATE CAREFLIGHT, LLC, and  
BLAKE STAMPER, Individually,

Defendants.

**ORDER ON MOTIONS FOLLOWING HEARING**

THIS MATTER is before the Court on Defendants' Motion to Compel Medical Records (*Doc. 38*) filed April 6, 2015, Plaintiff's Motion to Compel Answers and Responses to Interrogatories and Requests for Production (*Doc. 41*) filed April 20, 2015, Plaintiff's Amended Supplement to Plaintiff's Motion to Compel (*Doc. 50*) filed July 13, 2015, and Defendants' Motion to Strike Improper Pleadings (*Doc. 52*) filed July 21, 2015. Having reviewed the submissions of the parties and having considered the oral argument of counsel, for the reasons stated at the hearing held on July 23, 2015,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendants' Motion to Strike (*Doc. 52*) is **denied**, and Plaintiff's Amended Supplement to Plaintiff's Motion to Compel will be considered in conjunction with the motion to compel;
2. Defendants' Motion to Compel Medical Records (*Doc. 38*) is **granted**. Plaintiff shall identify his medical healthcare providers for the past five years and execute HIPPA-compliant releases for those medical records.

3. Plaintiff's Motion to Compel (*Doc. 41*) is **granted in part** as follows:
  - a. Defendants will produce the spreadsheet prepared by Matt Reilly regarding damages as soon as possible;
  - b. Defendants will (i) identify with particularity the statements contained in Exhibit A to *Doc. 43*, (*Doc. 43-1*) (the "Letter") or contained in any other publication that they contend are defamatory and (ii) produce any documentation that evidences the truth or falsity of the statements identified;
  - c. Defendants will provide supplemental responses to discovery requests regarding why they believe Plaintiff was the individual who posted the Letter on the [justhelicopters.com](http://justhelicopters.com) website (the "Website") and how they came to that belief, including any documentation that is in their possession that evidences the Letter was posted to the website by Bryan Conkling;
  - d. Defendants will provide IP addresses of its computers as requested;
  - e. Defendants will provide a verified response regarding any actions taken against employees who responded to the Letter;
  - f. Defendants will provide a verified response as to any managerial employees who are similarly-situated to Plaintiff who submitted time records indicating they were at work when they were scheduled to be, but, in fact, were absent;
  - g. Defendants are not required to produce information related to medical costs;
  - h. Defendants will fully answer and provide supplemental responses regarding why Dr. Stamper believed that Plaintiff was not permitted to engage in labor organizing activity at the time he made that statement to Plaintiff;

- i. Defendants will provide information as to any regulatory violations found by government agencies for the two (2) years prior to Plaintiff's termination;
  - j. Defendants will provide full descriptions of all other cases in which Tri-State CareFlight was a party in the past ten (10) years;
  - i. In all other respects, Plaintiff's Motion to Compel is **denied**; and
4. Absent agreed upon extensions, the parties will have until August 5, 2015 to provide the responses and information required by this Order.



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Karen B. Molzen  
UNITED STATES CHIEF MAGISTRATE JUDGE